

November 26, 2025

The Honorable John Thune
Majority Leader
U.S. Senate
511 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
568 Cannon House Office Building
Washington, D.C. 20510

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
2267 Rayburn House Office Building
Washington, D.C. 20510

Dear Majority Leader Thune, Minority Leader Schumer, Speaker Johnson and Minority Leader Jeffries:

On behalf of the National Association of State Chief Information Officers (NASCIO), I write to express strong concern over attempts to include a federal preemption of state efforts to implement reasonable and effective safeguards on artificial intelligence (AI) technology in the National Defense Reauthorization Act (NDAA.) These efforts, purportedly being advanced in the name of online safety for children, would in effect strip states of the ability to address real AI risks in their communities and provide needed protection for children.

It is encouraging that Congress is finally tackling the issue of online safety for children after years of inaction, but that progress should not come at the expense of state efforts to implement safeguards around a transformative and emergent technology. While we share the objective of protecting children online, preemptive blanket restrictions on state regulation of AI are the wrong approach. In the absence of robust, comprehensive federal AI legislation, states have stepped forward to develop their own solutions that protect children, safeguard consumer data and strengthen cybersecurity. In fact, **45 states already have laws that criminalize AI-generated or computer-edited child sexual abuse material (CSAM)**, including deepfakes of minors. The focus of these laws is generally on expanding existing CSAM statutes to include synthetic media, ensuring that the creation, possession, or distribution of such images is a crime with penalties similar to those for non-AI generated material.

Earlier this year, NASCIO joined a [coalition of state and local associations](#) to voice concern over the inclusion of a moratorium on AI laws and regulations in the Big Beautiful Bill. We argued that such a moratorium would seriously impede state and local government ability to protect citizens and was a significant overreach of Congressional authority. Congress agreed and the language was withdrawn. NASCIO urges you to employ similar discretion now and in the future.

NASCIO believes that effective governance of rapidly evolving technologies like AI demands a layered, collaborative approach that preserves state autonomy while encouraging coordinated federal-state cooperation. Preempting state authority before a federal framework is even in place would undermine that balance and jeopardize public safety, privacy and equity.





I urge you to reject any language in the National Defense Authorization Act, or any other legislative vehicle, that includes a federal preemption of state action on AI. NASCIO stands ready to work with you to develop sensible federal AI policy that respects state authority and allows them to continue to protect children.

Sincerely,

Doug Robinson
Executive Director
National Association of State Chief Information Officers

